

Attachment A
R-2233B, US 221 Rutherfordton Bypass
Rutherford County
State DEIS

EPA Specific Comments

Wetland and Stream Impacts

The State DEIS identifies that there are 12,063 linear feet, 8,734 linear feet, 13,113 linear feet, and 9,200 linear feet of jurisdictional stream impacts from Alternatives 3, 4, 6, and US 74A Alt., respectively. Due to the substantial difference in stream impacts for the proposed project, EPA environmentally prefers either Alternative 4 or US 74A Alt. Most all of the major stream systems in the project study area are Class C or Water Supply V (WS-V) waters. The State DEIS did not identify any Section 303(d) listed impaired waters or High Quality Waters (HQW) in the project study area. Wetland impacts range from 0.6 acres to 1.3 acres. Both Alternatives 4 and US 74A Alt. have the least wetland impacts at 0.6 and 0.7 acres.

The State DEIS identifies avoidance and minimization and compensatory mitigation issues in Section 4.5.4. The State DEIS identifies proposed bridging efforts under CP 2A as one specific avoidance and minimization measure to wetlands and streams. Table 2-4 of the State DEIS only references one potential location for a bridge out of 14 crossings. Site No. 5, Stonecutter Creek is proposed to be bridged but no length for the different alternatives (i.e., Alternatives 3, 6 and US 74A) are included in the table. Site No. 4 at Cleghorn Creek for Alternative 4 is identified as needing a 'spanning structure', but no design details are provided in the State DEIS. EPA notes that the Merger 01 CP 2A forms are not included in the Appendices or discussed in the text of the State DEIS. There are several other potential avoidance and minimization measures that NCDOT did not identify in the State DEIS, including increased side slopes, reduced outside paved shoulders, reduced median width from the standard 46-foot design, and alignment shifts. EPA notes that on-site mitigation opportunities will be explored by NCDOT. EPA requests that updated information on proposed bridge structures and avoidance and minimization efforts be made available to permitting and resource agencies at the next Merger 01 meeting. EPA also requests that on-site mitigation opportunities and feasibility study be coordinated with Ms. Kathy Matthews of EPA's Wetlands Section prior to the CP 4A Avoidance and Minimization meeting.

Prime Farmlands Impacts

Section 3.3.3 of the State DEIS references the N.C. Executive Order No. 96, the Preservation of Prime Agricultural and Forest Lands. This Executive Order requires all state agencies to consider the impact of land acquisition and construction impacts on prime farmland soils, as designated by the Natural Resources Conservation Service